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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 PATRICIA JOHNSON, an individual,) Case No.:
12)
13 Plaintiff,) **COMPLAINT AND DEMAND FOR**
14) **JURY TRIAL**
15 v.)
16)
17 CONVERGENT OUTSOURCING, INC.;)
18 JEFFERSON CAPITAL SYSTEMS, LLC;)
19 and DOES 1 through 10, inclusive,)
20 Defendants.)
21)

22 **I. INTRODUCTION**

23 1) This is an action for damages brought by an individual consumer against
24 Defendants for actual, statutory and punitive damages, and costs and attorneys' fees brought
25 pursuant to the California Consumer Credit Reporting Agencies Act, Civil Code §1785.1 *et*
26 *seq.* ("CCRAA") which prohibits unlawful credit reporting; and for violations of the Fair
27 Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* ("FDCPA") and the California
28 Rosenthal Act, Civil Code §1788 *et seq.* ("Rosenthal Act") which prohibits debt collectors
from engaging in abusive, deceptive, and unfair practices.

II. PARTIES

2) Plaintiff PATRICIA JOHNSON is a natural person residing in the State of California, County of Los Angeles.

3) Defendant CONVERGENT OUTSOURCING, INC. (“CONVERGENT OUTSOURCING”) at all times relevant was a corporation in the business of collecting debts in Los Angeles County, California operating from an address at 800 SW 39th St./PO Box 9004, Renton, WA 98057. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15U.S.C. §1692a(6).

4) Defendant JEFFERSON CAPITAL SYSTEMS, LLC (“JEFFERSON CAPITAL”) at all times relevant was a limited liability company in the business of collecting debts in Los Angeles County, California operating from an address at 16 McLeland Road, St. Cloud, MN 56303. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

5) The true names and capacities, whether individual, corporate (including officers and directors thereof), associate or otherwise of Defendants sued herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sue these Defendants by such fictitious names. Plaintiff is informed and believes, and alleges that each Defendant designated as a DOE is involved in or is in some manner responsible as a principal, beneficiary, agent, co-conspirator, joint venturer, alter ego, third party beneficiary, or otherwise, for the agreements, transactions, events and/or acts hereinafter described, and thereby proximately caused injuries and damages to Plaintiff. Plaintiff requests that when the true names and capacities of these DOE Defendants are ascertained, they may be inserted in all subsequent proceedings, and that this action may proceed against them under their true names.

6) Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

1 20) As a result of Defendants conduct, Plaintiff suffered damage to her credit
2 worthiness.

3 21) Defendant's actions are the source of great concern, worry, frustration and
4 emotional distress.

5 **IV. FIRST CLAIM FOR RELIEF**

6 **(Against All Defendants for Violation of the CCRAA)**

7 22) Plaintiff repeats, realleges, and incorporates by reference all of the foregoing
8 paragraphs.

9 23) Defendants violated the CCRAA, by including but not limited to, the following:

10 (a) Defendants violated California Civil Code §1785.25(a) by furnishing
11 information on a specific transaction or experience to a consumer credit
12 reporting agency that the Defendants knew or should have known was
13 incomplete or inaccurate; and

14 (b) Defendants violated California Civil Code §1785.25(g) by failing to
15 maintain reasonable procedures to comply with the CCRAA.

16 24) Defendants' acts as described above were done negligently and/or intentionally
17 with the purpose of coercing Plaintiff to pay the alleged debt.

18 25) As a proximate result of Defendants' violations enumerated above, Plaintiff
19 has been damaged in amounts which are subject to proof.

20 26) Defendants' violations were willful and knowing. Defendants are therefore
21 liable to Plaintiff for Plaintiff's actual damages, statutory damages, and attorney's fees and
22 costs pursuant to California Civil Code §1785.31.

23 **V. SECOND CLAIM FOR RELIEF**

24 **(Against All Defendants for Violation of the FDCPA)**

25 27) Plaintiff repeats, realleges, and incorporates by reference all of the foregoing
26 paragraphs.

27 28) Defendants violated the FDCPA. Defendant's violations include, but are not
28 limited to, the following:

- (a) The Defendants violated 15 U.S.C. § 1692e by using false, deceptive, or misleading representations or means in connection with the collection of a debt;
- (b) The Defendants violated 15 U.S.C. § 1692e(2)(a) by giving the false impression of the character, amount or legal status of the debt;
- (c) The Defendants violated 15 U.S.C. § 1692e(8) by communicating or threatening to communicate credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed;
- (d) The Defendants violated 15 U.S.C. § 1692(f) by using unfair or unconscionable means to collect or attempt to collect a debt; and
- (e) The Defendants violated 15 U.S.C. § 1692(f)(1) by attempting to collect an amount not authorized by the agreement that created the debt or permitted by law.

29) As a result of the above violations of the FDCPA, Defendants are liable to the Plaintiff for Plaintiff's actual damages, statutory damages, and attorney's fees and costs pursuant to 15 U.S.C. §1692k.

VI. THIRD CLAIM FOR RELIEF

(Against All Defendants for Violation of the Rosenthal Act)

30) Plaintiff repeats, realleges, and incorporates by reference all of the foregoing paragraphs.

31) Defendants violated the Rosenthal Act, by including but not limited to, the following:

- (a) The Defendants violated California Civil Code §1788.17 by failing to comply with the FDCPA as alleged above.

32) Defendants' acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

33) As a proximate result of Defendants' violations enumerated above, Plaintiff has

1 been damaged in amounts which are subject to proof.

2 34) Defendants' violations of the Rosenthal Act were willful and knowing.
3 Defendants are therefore liable to Plaintiff for Plaintiff's actual damages, statutory damages,
4 and attorney's fees and costs pursuant to California Civil Code §1788.30.
5

6 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against
7 Defendants, and each of them, for the following:

- 8 (a) Actual damages;
9 (b) Punitive damages;
10 (c) Statutory damages;
11 (d) Costs and reasonable attorney's fees; and
12 (e) For such other and further relief as the Court may deem just and proper
13 including but not limited to an order to correct the inaccurate credit
14 information.
15
16

17 Date: February 21, 2017

/s/Jeremy S. Golden

18 Jeremy S. Golden
19 Attorney for Plaintiff

20 **DEMAND FOR JURY TRIAL**

21 Please take notice that Plaintiff demands trial by jury in this action.
22
23

24 Date: February 21, 2017

/s/Jeremy S. Golden

25 Jeremy S. Golden
26 Attorney for Plaintiff
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